

**SPECIAL COMMON COUNCIL MEETING  
CITY OF WISCONSIN DELLS  
MARCH 28 2016**

Mayor Landers called the special meeting to order at 7:00P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: First District Alderpersons Brian Holzem and Jesse DeFosse  
Second District Alderpersons Mike Freel and Dar Mor  
Third District Alderpersons Ed Fox and Ed Wojnicz  
  
Others: City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Planning & Zoning Administrator Chris Tollaksen, Public Works & Utilities Director David Holzem, Police Chief Jody Ward, Kelli Trumble, Assistant City Attorney Joe Hasler, Eric Helland, Easter Seals- AmeriCorps volunteers, Upham Woods volunteers, and Ed Legge from the *Dells Events*.
2. The Pledge of Allegiance was said.
3. There were no citizen appearances.
4. The Mayor signed a National Service Day proclamation for April 5, 2016 and recognized April 10-16, 2016 as National Volunteer Week. Representatives and volunteers from AmeriCorps - Easter Seals and Upham Woods gave brief presentations on their volunteer programs and services.
5. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4258. BE IT HEREBY RESOLVED; that based upon the recommendation of the Public Works & Finance Committees from their March 28, 2016 meeting; it AWARDS the bid for Wisconsin Dells Bike Path Project No. 6219-01-71 (RiverWalk) to the lowest qualified bidder of Janke General Contractor, for the amount of \$2,150,103.90. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the resolution adopted.
6. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4259. BE IT HEREBY RESOLVED that based upon the recommendation of the Public Works & Finance Committees, it APPROVES Contract Amendment No. 2 – Services for the RiverWalk, with Vierbicher. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the resolution adopted.
7. Ald. Freel introduced and moved for adoption RESOLUTION NO. 4260. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works & Finance Committee from their March 28, 2016 meeting, it APPROVES the Engineering Service Contract between the City of Wisconsin Dells and Vierbicher Associates, Inc. for RiverWalk Project ID 6219-01-71. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.

8. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4261. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 28, 2016 meeting, it APPROVES the Road Repair Reimbursement Agreement with American Transmission Company (ATC) LLC. Ald. Wojnicz seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
9. Ald. Mor introduced and moved for adoption RESOLUTION NO. 4262. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Public Works Committee from their March 28, 2016 meeting, it APPROVES the Task Order from MSA for Public Works Garage Structural Steel Analysis and Repair Plan for the estimated amount of \$7500. Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
10. Ald. Holzem introduced and moved for adoption RESOLUTION NO. 4263. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their March 28, 2016 meeting, it APPROVES the funding plan for the downtown plaza. Ald. DeFosse seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
11. Ald. Wojnicz introduced and moved for adoption RESOLUTION NO. 4264. BE IT HEREBY RESOLVED by the City of Wisconsin Dells that based on the recommendation of the Finance Committee from their March 28, 2016 meeting, it APPROVES the Proposal for Real Estate/Redevelopment Consulting submitted by Redevelopment Resources for the estimate of \$5,145 with economic development funds to be used. Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the Resolution adopted.
12. Ald. Freel introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-793**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

**SECTION I: PURPOSE**

This ordinance updates the City Code Waterway Regulations Section. Current speed restrictions/slow no wake provisions are retained; and, the dam owner/operator is authorized to create a Kilbourn Dam restricted area and install and maintain appropriate waterway markers.

**SECTION II: PROVISION REPEALED**

- A. Wisconsin Dells Code sec. 8.04 is repealed and recreated.

**SECTION III: PROVISIONS AS REPEALED**

## **8.04 Waterway Regulations**

- (1) Intent. The intent of this code section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest, and the capability of the water resource.
- (2) Applicability and Enforcement. The provisions of this code section shall apply to the waters of the Wisconsin River within the jurisdiction of the City of Wisconsin Dells. The provisions of this ordinance shall be enforced by the Wisconsin Dells.
- (3) Speed Restrictions.
  - (a) Definitions. “Slow-no-wake” means that speed at which a board moves as slowly as possible while still maintaining steerage control.
  - (b) A “no wake” zone on the Wisconsin River is created and described as the area from the southernmost point on the bridge abutment on River Road at Michigan Avenue on the east side of the river, then on a line 300 degrees to a point on the west side of the river then south along the west side of the River to the Kilbourn Power Dam and then along the Dam to the east side of the River and then north along the east side to the aforementioned bridge abutment. This area shall be marked by five “no wake” buoys of the type authorized by the Department of Natural Resources.
  - (c) A “no wake” zone is hereby created for all of Crandall Bay. This area shall be marked by three “no wake” buoys of the type authorized by the Department of Natural Resources.
- (4) Kilbourn Dam Restricted Area. The owner/operator of Kilbourn Hydro Plant is authorized to restrict access in the vicinity of the facility and install and maintain waterway markers and buoys as permitted by law.

### SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

### SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

### SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

### SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 8.

Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the ordinance adopted and in full force after publication.

13. Ald. Holzem introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-794  
(Public Sidewalk Cafés)**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

**SECTION I: PURPOSE**

This ordinance allows Public Sidewalk Cafés by right in the C-2 Commercial Downtown Zoning District and updates the definition and standards.

**SECTION II: PROVISIONS AMENDED & RECREATED**

Wisconsin Dells Code Chapter 19 Exhibit 5.3 is amended.  
Wisconsin Dells Code sec. 19.907 is recreated.

**SECTION III: PROVISIONS AS AMENDED & RECREATED**

**“Exhibit 5.3 - Temporary uses by District”** is amended to reflect use 21.8 – Public Sidewalk Café is unconditionally permitted in the C-2 Commercial Downtown District.

**21.8 Public Sidewalk Café.** And outdoor dining area located upon public property, including a sidewalk; and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

**19.907 Public Sidewalk Café**

- (1) **Generally.** The provisions of this section provide the opportunity for restaurants in identified areas of the city to use adjoining public sidewalks for the purpose of providing outdoor seating.
- (2) **Purpose.** The provisions of this section are intended to:
  - (a) Enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest;
  - (b) Enhance the appropriate use of existing public spaces;
  - (c) Increase economic activity in the area.
- (3) **Approval.** Any proposed public sidewalk café must be approved by the Design Review Committee (DRC) prior to the use commencing.
- (4) **Location.** The location of a public sidewalk café will be reviewed by the DRC on a case by case basis, with the following guidelines:

- (a) A public sidewalk café shall be located directly in front of, or adjacent to the restaurant with which it is associated.
  - (b) A public sidewalk café may utilize public space in front of and against the building of an adjoining property only if written consent is given by the adjoining property owner.
  - (c) A public sidewalk café may utilize space in front of an adjoining property, along the curb, only if the property owner directly in front of that space is not utilizing that space.
  - (d) A public sidewalk café service area shall be contiguous.
- (5) Obstructions. A public sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
  - (6) Pedestrian movement. No portion of a public sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement. One Broadway, a minimum 6-foot wide unobstructed walkway is required by the WisDOT.
  - (7) Planters. Planters may be used as a visual amenity and to frame off the space allocated for the public sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
  - (8) Lighting. Lighting shall be limited to table top lamps of low intensity. The building inspector may allow additional lighting to provide appropriate levels for safety.
  - (9) Furnishings. All furnishings shall fit the character of a public streetscape. An umbrella over each table may be permitted if it does not create an obstruction.
  - (10) Floor covering. A floor covering may not be used in the public sidewalk café.
  - (11) Tables. Round tables may not exceed 42 inches in diameter and square tables may not exceed 42 inches in width.
  - (12) Food preparation. All food shall be prepared within the restaurant.

#### SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

#### SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code Chapter 19

Ald. Mor seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the ordinance adopted and in full force after publication.

14. Ald. Mor introduced and moved for adoption the second reading of the following ordinance:

**ORDINANCE NO. A-795  
(Busker Permit Revisions)**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance updates the City code section regarding Busking Permits.

SECTION II: PROVISION REPEALED AND RECREATED

Wisconsin Dells Code Sec. 16.10 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

**16.10 BUSKING**

- (1) Permit Required. No person shall engage in the act of busking within the City of Wisconsin Dells without first obtaining a permit thereof in compliance with the provisions of this ordinance.
- (2) Definitions. When used in this section, the following term shall have the following meaning:
  - (a) **Busking**. The practice of doing live performances in public places to entertain people. Those engaging in the practice are called buskers.
  - (b) **Performance**. Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
  - (c) **Soliciting of Funds**. The act of asking, begging, seeking or requesting money or goods from members of the public.
  - (d) **Offerings for Sale**. The display or demonstration of items with an implication that they are available for sale.
  - (e) **Dangerous materials and implements**. Items that pose a risk,

hazard or uncertain outcome for people. Dangerous materials include flammable materials and chemical, fire, fireworks, smoke, flares, heated elements, or anything that gives off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.

- (f) Designated Location. Specified sites within restricted areas where busking can occur under defined conditions.
- (3) Exemptions. Those individuals or groups hired and scheduled by the Wisconsin Dells Visitors and Convention Bureau, business covered under a Conditional Use Permit, and events otherwise covered under a Special Events Permit are exempt.
- (4) Application. Applicants for a permit under this section must file with the Police Department or designee, a sworn application in writing on a form to be furnished by the Police Department or designee, which shall give the following information:
  - (a) Full name, including middle initial of all performers including date of birth, driver's license number and state of issuance.
  - (b) Current address (include mailing address if different).
  - (c) Telephone number, including cell phone number
  - (d) Brief description of type of performance that will be done
  - (e) Fee must accompany permit application and is non-refundable
  - (f) A performance audition or submitted media may be required
  - (g) All applicants are subject to a criminal history check conducted by the police department or designee. Based on the results, the Police Chief or designee may deny the permit.
- (5) Permit Fee. Fee is established by fee schedule adopted pursuant to city code section 2.05.
- (6) Regulation and Restrictions.
  - (a) Hours of Performance. Busking will be allowed only during the designated hours.
  - (b) Designated Location. Busking will be allowed only in those locations designated by the city.
  - (c) Traffic Flow. Buskers must not unreasonably interfere with pedestrian or traffic flow, including by way of encouraging audience formation in such a manner to cause interference.

- (d) Solicitation. Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in any way.
  - (e) Display of Permit. The applicant shall have city permit on display and visual at all time while engaged in the licensed activity.
  - (f) Misrepresentation Prohibited. The applicant shall not intentionally misrepresent the purpose of their busking.
  - (g) Loud Noises and Speaking Devices. The applicant, or any person on their behalf, shall not shout, cry out, blow a horn, ring a bell, use any sound amplifying device or otherwise create any noise that is solely for the purpose of attracting attention and not inherently part of the busking performance. The applicant shall not use sound amplifying devices as part of their performance.
  - (h) Dangerous Materials and Implements. May be prohibited.
  - (i) Offering for Sale Prohibited. Only sales of the performer's CDs and DVDs are allowed. Sales of any other kind of merchandise are prohibited.
  - (j) Performance Cessation. The police department or designated entity may require any individual performance to cease and desist if that performance is deemed inappropriate, unsuitable for a family-friendly environment, ~~or~~ not cordial, or otherwise creates a disturbance.
- (7) Revocation of Permit. Permit issued hereunder may be revoked by the issuer at any time.
- (8) Reapplication. No applicant whose permit has been revoked shall make further application until a period of at least six (6) months has lapsed since the last revocation. An application may be denied based on a previous revocation.
- (9) Expiration of Permit. This permit is for a performance season defined on the permit application. This permit shall expire at the end of that season, regardless of when the permit was issued.

#### SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

#### SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 16.

Ald. Fox seconded the motion. Upon roll call vote the motion carried 6-0. Mayor Landers declared the ordinance adopted and in full force after publication.

15. No items for referral. Next council meeting is Tuesday, April 19, 2016 due to the reorganizational meeting.
16. Motion by Ald. Freel seconded by Ald. Fox to adjourn. Motion carried unanimously and the meeting adjourned at 7:15PM.

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Nancy R. Holzem  
City Clerk/Coordinator  
Published: April 2, 2016